

REMARKS

The present response is to the action mailed in the above-referenced case on 8.14.2009.

From the action:

Reopening Prosecution

In view of the Appeal Brief filed on January 24, 2007 as well as the Remand by the Board of Patent Appeals and Interference, received on April 30, 2008, PROSECUTION IS HEREBY REOPENED. A Final Office Action is set forth below. To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

Applicant's response:

The applicant has elected to file a request for continued examination, as it is clear to the applicant that the rejections are still faulty, even after all the rounds of prosecution and appeals in the case over the years. We will continue.

From the action:

2. Claims 1-4, 7-9 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman, U.S. Patent No. 5,844,596 in view of Chau et al. (Chau), U.S. Patent No. 5,764,750 and in further view of Eames et al. (Eames), U.S. Patent No. 6,317,884.

3. Regarding **claim 1**, Goodman discloses the invention substantially as claimed.

Goodman discloses *a networking system for a home or business site* [see Goodman, Abstract, Col. 3, lines 1-56], *comprising: a bridge adapter unit at the home or business site* [see Goodman, item 400] *receiving public network protocol signals* [see Goodman, Col. 8, lines 9-10]; *an asymmetric star telephone wiring structure in the site connected to the bridge adapter unit* [see Goodman, Col. 8, lines 1-25]; *and modulates the translated signals using high frequency modulation compatible with asymmetric star wiring, also known as Christmas tree wiring* [see Goodman, Col. 1, lines 56-67 and Col. 2, lines 1-10]. Even though, Goodman does disclose a system that allows for distribution of other signals to a local network of an active telephone line and that the signals that are received are in the form of a local area network protocol. However, Goodman does not explicitly disclose the specifics of *a bridge adapter unit receiving public network protocol signals and the bridge adapter, translates the received public network protocol signals to a LAN protocol*.

4. In the same field of endeavor, Chau discloses (e.g., communicating between diverse communications environment). Chau discloses *a bridge adapter unit receiving public network protocol signals and the bridge adapter, translates the received public network protocol signals to a LAN protocol* (Chau teaches a subsystem 11 may be substantially any desired communications arrangement. For example, it may be another telephony subsystem, like subsystem 12. Preferably, however, subsystem 11 is a connections-rich subsystem, such as a data or a multi-media communications subsystem. Subsystem II illustratively comprises a switching node 33, for example a local area network (LAN) server, a broadband multi-media switching hub, or an asynchronous transfer mode (ATM) packet switch, that provides data or multi-media communications services to a plurality of endpoints such as user workstations 37-39. Switching node 33 includes a node processor 34 that executes switching-node control programs out of node memory 35 and controls one or more switching fabrics 36 (e.g., LAN, cross point switch, etc.) that

provide communications connections between workstations 37-39 as well as other endpoints. For purposes of this discussion, the principal function performed by node processor 34 is that of a name-server or router: it converts connection requests (received from workstations 37-39) that are expressed in terms of originating and terminating endpoint names and/or addresses into corresponding connections (with the aid of PBX 13, as will be made clear below), [see Chau, Figurel, item 40, abstract, Col. 1, lines 60-67, Col. 2, lines 1-27]

5. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Chau's teachings of communicating between diverse communications environment with the teachings of Goodman, because of the need to solve the problem of telecommunications systems that have different protocols requiring having different capabilities of their endpoints [see Chau, Col. I, lines 37-45]. Goodman would have been motivated to do so, since he states that the invention further adds to techniques for distribution of signals to a local area network of active telephone wiring [see Goodman, Col. 1, lines 55-67].

Applicant's response:

Regarding independent claims 1 and 7 the Examiner relies upon Goodman to teach a bridge adapter unit as recited in applicant's claims in light of the teachings in applicant's specification. Applicant argues that Goodman fails to disclose a Bridge adapter unit, as claimed. Goodman teaches an interface, which is not capable of any of the functions of a bridge adapter unit, as claimed. Therefore it does not bridge or adapt protocol signals, as claimed and cannot read on such a unit as claimed in applicant's invention. The Examiner admits as much. Goodman, therefore only teaches a telephone wiring structure.

The Examiner relies upon Chau to teach the specifics of a bridge adapter unit receiving public network protocol signals and that the bridge adapter unit driving

telephone wiring structure according to a local area network (LAN) protocol, translating all received public network protocol signals, regardless of protocol, to the single LAN protocol and modulates the translated signals using high frequency modulation compatible with asymmetric star wiring, also known as Christmas tree wiring.

Applicant argues Chau fairly teaches an "ISDN Port Circuit and Protocol Converter" (Fig. 1, element 40), and does not teach translating protocols as claimed. The invention of Chau relates to communicating between endpoints in a telecommunications or computer sub-system. Chau teaches connections-rich sub-systems, and converting protocols, but teaches separate ISDN ports (20, 40) for each subsystem. Chau fails, as do the remaining references, in teaching that the signals are modulated using high frequency modulation compatible with asymmetric star wiring, also known as Christmas tree wiring.

Eames teaches a residential Gateway, but still fails to teach or suggest driving all incoming public network protocol signals, utilizing a single bridge adapter unit, over an internal network comprising but one type of wiring, such as a pre-existing telephone wiring of the building as taught in our invention.

Further, neither reference teaches or suggests modulating the translated signals using high frequency modulation compatible with asymmetric star wiring, also known as Christmas tree wiring, as in applicant's invention and claims. Eames utilizes a variety of interface units, splitters, different types of drop wiring leading to the site 190, and different types of cabling requiring different protocols, within site 190 for creating the internal network for connecting the various appliances.

Applicant argues it would not have been obvious to integrate Eames and it's teachings with Goodman and Chau partly because there is no motivation provided in any of the art to provide a single bridge adapter unit, accepting all incoming signals,

regardless of their protocol, converting all the incoming signals to a single LAN protocol, and driving the signals according to the LAN protocol throughout the internal network of the building site utilizing only a single type of wiring, namely the copper telephone wiring pre-existing within the building site. Applicant argues that without the Examiner incorporating hindsight knowledge of applicant's invention, the motivation for the combination of the art could not have been made.

Applicant argues that, if one were to install the system of Eames in a residential or commercial building, for example, it would be required to also install the various different types of cabling and wiring, such as coaxial cabling 171, or any other type of wiring, other than the existing telephone wiring in the building. In applicant's invention it is only required that a single bridge adapter unit 301 be installed at the building site for converting all of the incoming signals of various protocols to a single protocol to be driven over the existing telephone wiring within the building, and if needed, signal conversion interfaces such as 305a-b for converting the LAN signals back to a different protocol required by any devices that are not LAN protocol compatible.

Further to the above, the examiner provides a response to arguments section that simply states that Applicant's arguments filed June 30, 2009 have been fully considered but they are not persuasive and the rejection is maintained. The examiner thus has simply adapted the last rejection to agree semantically with the amended claim language, and does not, after twelve or more rejections and responses and two appeals, both remanded, believe it might be important to deal with the applicant's arguments in any detail at all. The applicant believes more is required of the Office, as this is precisely why the backlog continues to grow.

So the applicant asserts that a proper rejection of claims 1 and 7, under 35 U.S.C. 103, is not supported by the combination of Goodman, Chau and Eames. Applicant therefore strongly believes that claims 1 and 7 are clearly and unarguably patentable over

the art, and that the depended claims are all patentable, at least as depended from a patentable claim. Accordingly, applicant respectfully requests that the claims be held allowable, and that the case be passed quickly to issue.

If there are any time extensions due beyond any extension requested and paid with this amendment, such extensions are hereby requested. If there are any fees due beyond any fees paid with the present amendment, such fees are authorized to be deducted from deposit account 50-0534.

Respectfully Submitted,
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